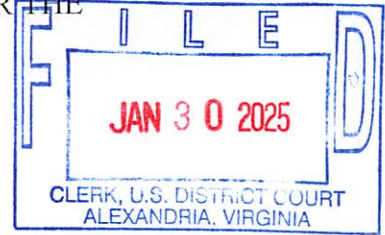


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

Case No. 1:25-mj-10

CARLOS JOSE HERNANDEZ ROMERO,

Defendant.

**MOTION TO DISMISS**

The United States of America hereby moves, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure,<sup>1</sup> to dismiss without prejudice the criminal complaint presently pending against the defendant. *See United States v. Chase*, 372 F.2d 453, 463 (4th Cir. 1967) (stating that a Rule 48(a) “dismissal is without prejudice”); 3B Peter J. Henning, *Federal Practice & Procedure Crim.* § 801 (4th ed. 2024) (“A dismissal properly taken under Rule 48(a) is without prejudice[.]”).

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<sup>1</sup> Rule 48(a) provides that “[t]he government may, with leave of court, dismiss an indictment, information, or complaint.” The leave-of-court requirement confers only highly limited discretion to deny a government motion under Rule 48(a). *See United States v. Goodson*, 204 F.3d 508, 512 (4th Cir. 2000). Indeed, “the court must grant the government’s Rule 48(a) motion unless the court concludes that to grant it would be clearly contrary to manifest public interest, determined by whether the prosecutor’s motion to dismiss was made in bad faith.” *Id.* Here, there is no bad faith; the government simply no longer wishes to pursue the instant prosecution at this time given that the defendant has been charged locally with violations of state law stemming from the same events that underlie his federal case.

**Jessica D. Aber**  
**United States Attorney**

**Alexander E. Blanchard**  
**Assistant United States Attorney**  
**United States Attorney's Office**  
**2100 Jamieson Avenue**  
**Alexandria, Virginia 22314**  
**Tel: (703) 299-3700**  
**Fax: (703) 299-3982**  
**[alexander.blanchard@usdoj.gov](mailto:alexander.blanchard@usdoj.gov)**